

REMARKS

In view of the following remarks, Applicants respectfully request reconsideration and allowance of the subject application. This amendment is believed to be fully responsive to all issues raised in the Office Action

5 mailed January 26, 2005.

Claim Rejections

Claims 1-27 are pending in this application. In the Office Action mailed January 26, 2005, claims 1-27 were rejected under

10 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,380,957 to Banning ("Banning") in combination with two screen shots referred to in the Action as "MS Win."

Applicant traverses these rejections. To establish a *prima facie* case of obviousness the Action must establish that all limitations recited in the

15 claim are disclosed or suggested by the cited reference. See, MPEP 2143.03. Applicant asserts that the Action has failed to establish a *prima facie* case of obviousness because Banning, alone or in combination with MS Win, fails to disclose or suggest numerous features recited in each of independent claims 1, 13, 20, and 27, and in the dependent claims.

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Independent Claims 1, 13, and 27

The rejection of independent claims 1, 13, and 27 is improper because Banning fails to disclose or suggest any of the limitations recited in independent claims 1, 13, and 27. Independent claims 1, and 13 are

25 directed to a system for transferring information in a computer network from

a server to a client computer, and independent claim 27 is directed to a method for transferring information in a computer network from a server to a client computer.

Each of independent claims 1, 13, and 27 recites "a tree descriptor array comprising information describing each of the objects to be displayed in the navigation pane" and "a tree descriptor string comprising information describing a hierarchical structure of expanded nodes in the tree . . ." In addition, each of independent claims 1, 13, and 27 recites a limitation that the tree descriptor array and the tree descriptor string are sent from the server to the client computer. Banning fails to disclose or suggest either a tree descriptor array or a tree descriptor string as recited in these claims, or sending a tree descriptor string from a server computer to a client computer.

To support this rejection, the Examiner cited column 5, line 5 through column 6, line 24; column 7, line 37 through column 8, line 6, Figs. 4B-4C; and column 7, lines 14-25. In addition, the examiner supported the rejection with the following assertion:

[Banning teaches] . . . a representation of the description of each of the objects to be displayed in the navigation pane and a representation of the description of the hierarchical structure of expanded nodes in the tree wherein the information comprises a list of only those nodes which are to be expanded and displayed on the display device are rendered in pane 104 as a tree view, displaying nodes which are to be expanded and displayed by such methods as limiting the amount of expansion to a certain number of siblings.

This rejection is improper. Initially, applicant notes that contrary to the Examiner's assertion, nothing in the cited text discloses a *tree descriptor array* and a *tree descriptor string* that are sent from a server to a client, as recited in each of claims 1, 13, and 27. Pane 104 in Figs. 4A-4B is a simple

schematic illustration of a directory tree. Banning provides no description whatsoever regarding data structures underlying the tree structure, much less a TDA or a TDS as recited in claim 1, or how the tree is constructed. Further, Banning provides no description whatsoever of forwarding 5 information from a server computer to a client computer, much less forwarding a TDA or a TDS, as recited in claims 1, 13, and 27.

The Action appears to take Official Notice that "various data structures to describe tree data is well known in the art such as using one array and one string or using multiple arrays and multiple strings or using 10 XML . . ." Applicant specifically traverses the Examiner's assertion of Official Notice, and hereby demands that the Examiner provide documentary evidence to support the Official Notice. See, MPEP 2144.03. Nothing in the record provides a factual basis to support the assertion of Official Notice taken in the Action.

15 In addition, Applicant notes that the assertion of Official Notice does not correspond to the claim language. The claims specifically recite that the tree descriptor string comprises a list of only those said expandable nodes which are to be expanded and displayed on the display device.

Finally, to the extent that the Examiner's comments indicate that the 20 Examiner considers limitation of claims 1, 13, and 27 taught by inherency, Applicants assert that the record fails to provide any factual support for a finding of teaching by inherency. To prove inherency, the Examiner must establish that the system disclosed in Banning *necessarily* includes the structure recited in claims 1, 13, and 27. Continental Can Co. U.S.A. v.

Monsanto Co., 948 F.2d 1264, 1268 (Fed. Cir. 1991). There is no such showing on the record.

For at least these reasons, Banning cannot render obvious independent claims 1, 13, and 27.

5 The Action acknowledges that Banning fails to disclose transferring information related to hierarchically related objects. The Action cites two screen shots from what appears to be MS Windows NT ("MS Win") to compensate for this deficiency. The Action asserts:

10 MS Win teaches a system for transferring information in a computer network from a server to a client computer (fig. 1; share drive 100, "S:\Ortiz Oacs"), the information including a plurality of hierarchically related objects wherein a viewable subset of the objects is displayed on the display device (fig. 1, page 110), the system comprising a tree descriptor array comprising each of the objects to be displayed in the navigation pane, a tree descriptor string comprising information describing a hierarchical structure of expanded nodes in the tree wherein the tree descriptor array and the tree descriptor string comprises a list of only those nodes which are to be expanded and displayed on the display device (fig. 1; *MS Win allows the users the ability to add information and have tree data displayed such as tree 120 comprising of only those nodes which are to be expanded wherein a tree descriptor string is inherent in order for the tree to be displayed*).

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Applicant traverses this rejection. MS Win provides no description whatsoever regarding data structures underlying the tree structure illustrated in the screen shots, much less a TDA or a TDS as recited in claims 1, 13, and 27 or how the tree is constructed. Further, MS Win provides no description whatsoever of forwarding information from a server computer to a client computer, much less forwarding a TDA or a TDS, as recited in claims 1, 13, and 27.

Thus, MS Win cannot compensate for the acknowledged deficiencies in Banning, and Banning, alone or in combination with MS Win, cannot render obvious independent claims 1, 13, and 27.

5 Independent Claim 20

The rejection of independent claim 20 is improper because Banning, alone or in combination with MS Win, fails to disclose or even to suggest any of the limitations recited in independent claim 20. Independent claim 20 is directed to a method for transferring information in a computer network from 10 a server to a client computer, and recites:

15 sending, from the client computer to the server, tree descriptor information describing a hierarchical structure of the nodes that are to be expanded; determining a tree segment to be displayed in the navigation pane in response to the tree descriptor information received from the client computer; and 20 sending, from the server to the client computer, a list of each of the objects in the tree segment to be displayed, and information describing each of the objects to be displayed; wherein said tree descriptor information comprises a list of only the nodes that are to be expanded.

The Action rejected claim 20 under 35 U.S.C. §103(a) as being rendered obvious by Banning in combination with MS Win, referencing the 25 same support and using the same arguments applied against claims 1, 13, and 27.

Applicant traverses the rejection, and asserts that the Action fails to make a *prima facie* showing of obviousness. As noted above, pane 104 in Figs. 4A-4B is a simple schematic illustration of a directory tree. Contrary to 30 the Examiner's assertion, nothing in the cited text discloses sending, from a client computer to a server, tree descriptor information describing a

hierarchical structure of the nodes that are to be expanded, much less wherein the tree descriptor information comprises a list of only the nodes that are to be expanded. Further, neither Banning nor MS Win provide any description whatsoever related to determining a tree segment to be

5 displayed in the navigation pane in response to the tree descriptor information received from the client computer, as recited in claim 20, or sending, from the server to the client computer, a list of each of the objects in the tree segment to be displayed, and information describing each of the objects to be displayed, as recited in claim 20. Accordingly, Banning, alone

10 or in combination with MS Win cannot render obvious independent claim 20.

Claims 2 and 14

The rejection of dependent claims 2 and 14 is improper because Banning fails to disclose or suggest any of the limitations recited in dependent claims 2 and 14. Each of dependent claims 2 and 14 recites:

5 a managed object list comprising an entry for each of a plurality of managed objects in the navigable tree; and
 a view list comprising a plurality of indicia of object data records, each of which represents a child of one of the managed objects corresponding to an entry in the managed object list;
10 wherein each said entry in the managed object list comprises indicia of an entry in the view list

The Action rejected claims 2 and 14 under 35 U.S.C. §103(a) as 15 being rendered obvious by Banning in combination with MS Win. To support this rejection, the Examiner cited Fig. 4B of Banning, and supported the rejection with the following assertion:

20 Network 112 contains more than one managed objects with a list of objects specific to a managed object such as "Fs1", "Fs3" and "Share" wherein an identifier for each node, parent or child is inherent for referencing purposes.

Applicant traverses this rejection. Initially, the rejection fails to set forth clearly the manner in which Banning allegedly discloses the various 25 elements recited in claims 2 and 14. Further, pane 104 in Figs. 4A-4B is a simple schematic illustration of a directory tree. Contrary to the Examiner's assertion, nothing in Fig. 4B discloses any of the limitations recited in claims 2 and 14. Accordingly, Banning, alone or in combination with MS Win cannot render obvious independent claims 2 and 14.

30 Finally, to the extent that the Examiner's comments indicate that the Examiner considers claims 2 and 14 taught by inherency, Applicants assert that the record fails to provide any factual support for a finding of teaching by

inherency. To prove inherency, the Examiner must establish that the system disclosed in Banning *necessarily* includes the structure recited in claims 2 and 14. Continental Can Co. U.S.A. v. Monsanto Co., 948 F.2d 1264, 1268 (Fed. Cir. 1991). There is no such showing on the record. The bald 5 assertion that "an identifier for each node, parent or child, is inherent for referencing purposes" is inadequate to support a finding of inherency. Accordingly, Banning, alone or in combination with MS Win cannot render obvious independent claims 2 and 14.

10 Claims 3 and 15

The rejection of dependent claims 3 and 15 is improper because Banning in combination with MS Win fails to disclose or suggest any of the limitations recited in dependent claims 3 and 15. Each of dependent claims 3 and 15 recites:

15 a Universal Identifier for the object to which a given said one of the object data records corresponds; and
 a Universal Identifier for the parent of the object to which a given said one of the object data records corresponds.

20 The Action rejected claims 3 and 15 under 35 U.S.C. §103(a) as being rendered obvious by Banning. The Examiner supported these rejections using the same disclosure and assertion used to reject claims 2 and 14.

Applicant traverses this rejection. Initially, the rejection fails to set 25 forth clearly the manner in which Banning allegedly discloses the various elements recited in claims 3 and 15. Further, contrary to the Examiner's assertion, nothing in Fig. 4B discloses any of the limitations recited in claims 3 and 15.

Claims 4, 16, and 21

The rejection of dependent claims 4, 16, and 21 is improper because Banning fails to disclose or suggest any of the limitations recited in dependent claims 4, 16, and 21. Each of dependent claims 4, 16, and 21 5 recites:

10 a Universal Identifier of the object;
a first index indicating the relative position of the object
in the navigable tree, at which a tree segment starts; and
a second index indicating the relative tree position of the
object from its managed object.

The Action rejected claims 4, 16, and 21 under 35 U.S.C. §103(a) as being anticipated by Banning. To support this rejection, the Examiner cited Fig. 4B, and supported the rejection with the following assertion:

15 Rendered in pane 104 is a view of a tree with objects
112, 114 and Fs1 being in a position relative to each other and
reflecting the relationship relative to each other wherein the
index of each object is inherent for addressing purposes and
20 wherein in an identifier for each node, parent or child, is
inherent for referencing purposes.

25 Applicant traverses this rejection. Initially, the rejection fails to set
forth clearly the manner in which Banning allegedly discloses the various
elements recited in claims 4, 16, and 21. Further, contrary to the Examiner's
assertion, nothing in Fig. 4B discloses any of the limitations recited in claims
4, 16, and 21.

30 Finally, to the extent that the Examiner's comments indicate that the
Examiner considers claims 4, 16, and 21 to be taught by inherency,
Applicants assert that the record fails to provide any factual support for a
finding of anticipation by inherency. To prove inherency, the Examiner must
establish that the system disclosed in Banning *necessarily* includes the
structure recited in claims 4, 16, and 21. Continental Can Co. U.S.A. v.

Monsanto Co., 948 F.2d 1264, 1268 (Fed. Cir. 1991). There is no such showing on the record. The bald assertion that "the index of each object is inherent for addressing purposes and wherein in an identifier for each node, parent or child, is inherent for referencing purposes" is inadequate to support 5 a finding of inherency. Accordingly, Banning in combination with MS Win cannot anticipate independent claims 4, 16, and 21.

Claims 5-6, 17-18, and 22-23

The rejections of dependent claims 5-6, 17-18, and 22-23 is improper 10 because Banning in combination with MS Win fails to disclose or suggest the limitations recited in dependent claims 5-6, 17-18, and 22-23. Each of dependent claims 5, 17, and 22 recites:

15 a first string indicating whether the object is expandable;
and
a second string indicating whether the object is presently expanded..

Each of dependent claims 6, 18, and 23 recites:

20 the tree descriptor string further comprises a representation of the hierarchical structure of open containers in the part of the tree that is being displayed.

The Action rejected claims 5-6, 17-18, and 22-23 under 35 U.S.C. §103(a) as being rendered obvious by Banning in view of MS Win. To 25 support this rejection, the Examiner cited column 2, lines 6-24 and Figs. 4B-4C, and supported the rejection with the following assertion:

A representation of TDA, rendered in pane 104, as a view of a tree, with indicators '+' and '-'.

30 This rejection is improper. Initially, the rejection fails to set forth clearly the manner in which Banning, alone or in combination with MS Win

allegedly discloses or suggests the various elements recited in claims 5-6, 17-18, and 22-23. Further, contrary to the Examiner's assertion, nothing in column 2, lines 6-24 or Figs. 4B-4C discloses the limitations recited in claims 5-6, 17-18, and 22-23. Accordingly, Banning, alone or in combination with

5 MS Win cannot render obvious dependent claims 5-6, 17-18, and 22-23.

Claims 7, 19, and 24

The rejection of dependent claims 7, 19, and 24 is improper because Banning, alone or in combination with MS Win, fails to disclose the

10 limitations recited in dependent claims 7, 19, and 24. Each of dependent claims 7, 19, and 24 recites that:

the tree descriptor string further comprises indicia of the location of a cursor on the display device.

15 The Action rejected claims 7, 19, and 24 under 35 U.S.C. §103(a) as being rendered obvious by Banning in combination with MS Win. To support this rejection, the Examiner cited column 4, lines 23-24. This text reads as follows:

20 The pointing device 84 may be used to move a pointer or cursor on display screen 30.

This rejection is improper. Initially, the rejection fails to set forth clearly the manner in which Banning allegedly discloses the various elements recited in claims 7, 19, and 24. Further, contrary to the Examiner's

25 assertion, nothing in column 4, lines 23-24 discloses or suggests a tree descriptor string that comprises indicia of the location of a cursor on the display device, as recited in claims 7, 19, and 24. Accordingly, Banning ,

alone or in combination with MS Win, cannot render obvious independent claims 7, 19, and 24.

The remaining claims depend ultimately from one or more of the above-referenced claims, and are allowable at least by virtue of this
5 dependency.

CONCLUSION

Claims 1-27 are believed to be in condition for allowance. Applicants respectfully request reconsideration and prompt allowance and issuance of the present application. Should any issue remain that prevents immediate 5 allowance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

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Respectfully Submitted,
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